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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,791	07/14/2003	Shinjiro Hara	BD-0302T	4079

7590 12/15/2005
Takeuchi & Kubotera, LLP
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EXAMINER

KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,791

Applicant(s)

HARA ET AL.

Examiner

Matthew J. Kohner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) 12, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 11, 14, 16, and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of 1-11, 13-16 and 19-22 in the reply filed on July 6, 2005 is acknowledged. Claims 12, 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 6, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,415,263 to Hoffman.

Hoffman discloses a medium tray (38) attachable to an image recording apparatus for feeding record medium one by one and recording an image on said medium, said medium tray comprising:

- a depository (94) in which said record medium is loaded such that front and rear portions of said medium have different angles with respect to a feeding direction of said medium when said record medium are in said depository.

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In regard to claim 2, said depository comprises a medium support (88) on which said front portion of said record medium is put and a rear guide (76) extending upwardly from a rear end of said medium support so that said rear portion of said record medium is guided upwardly.

In regard to claim 3, the medium tray further comprises a restricting member (72) arranged at said medium support or rear guide and restricting said record medium put in said depository such that said record medium is not spaced from said medium support or rear guide more than a predetermined distance and is transported along said medium support and rear guide when said record medium is fed into said image recording apparatus.

In regard to claim 4, said depository further comprises a curved section (see Fig. 2) between said medium support and rear guide.

In regard to claim 5, the medium tray further comprises a folding member (80, 86, 78, 76) the structure braces the paper towards the copier; Examiner submits the curved paper is folded toward the copier) provided at a rear portion of said depository such that said record medium in said depository is folded toward said image recording apparatus.

In regard to claim 8, the medium tray further comprises at least one rear supporter (134) provided above said depository for supporting a rear portion of said record medium folded at said folding member.

In regard to claim 13, The depository comprises a medium support (128, 92, 88) on which said front portion of said record medium is put and a rear guide (80, 86, 78) extending upwardly from a rear end of said medium support so that said rear portion of said record medium is guided upwardly, and said folding member is composed of said rear guide (80, 86, 78) and an

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upper guide (76) extending from an top end of said rear guide toward a main body of said image recording apparatus such that said upper guide covers said rear guide.

In regard to claim 15, the upper guide comprises a rear supporter (134) for supporting a rear portion of said record medium put in said depository.

Claims 1, 5, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,927,702 to Ishii et al.

Ishii discloses a medium tray attachable to an image recording apparatus for feeding record medium one by one and recording an image on said medium, said medium tray comprising:

- a depository (see Fig. 2) in which said record medium is loaded such that front and rear portions of said medium have different angles with respect to a feeding direction of said medium when said record medium are in said depository.

In regard to claim 5, the medium tray further comprises a folding member (16R) provided at a rear portion of said depository such that said record medium in said depository is folded toward said image recording apparatus.

In regard to claim 6, the folding member is composed of a restricting member (curved bracket portion of upper tray [see Fig. 2]) which restricts said record medium put in said depository such that said record medium is not spaced from said depository more than a predetermined distance and is transported along said depository when said record medium is fed into said image recording apparatus.

In regard to claim 8, the medium tray further comprises at least one rear supporter (16Rb) provided above said depository for supporting a rear portion of said record medium folded at said folding member.

In regard to claim 9, Ishii discloses a plurality of rear supports (see 16Lb).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman.

Hoffman discloses the medium tray only a single rear support wherein the support corresponds to a length of said record medium put in said depository (see Fig. 2). However, it would be obvious to one of ordinary skill in the art to use a plurality of supporters since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168, USPQ, 177, 179.

Allowable Subject Matter

Claims 7, 10, 11, 14, 16 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

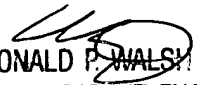
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 571-272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew J. Kohner
Examiner
Art Unit 3653

mjk


DONALD P. WALSH
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